

FORM PTO-1390
(REV. 10-2000)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTORNEY OR AGENT'S NAME & BAR NUMBER

20377YP

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09 / 890836

INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE
PCT/US00/02405 31 JANUARY 2000PRIORITY DATE CLAIMED
04 FEBRUARY 1999

TITLE OF INVENTION

IMPROVED HELPER DEPENDENT VECTOR SYSTEM FOR GENE THERAPY

APPLICANT(S) FOR DO/EO/US

ANDREW BETT, VOLKER SANDIG, AND RIMA YOUIL.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures [35 U.S.C. 371(f)] at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(I).
4. A proper Demand for International Preliminary Examination was made and the US was elected by the expiration of the 19th month from the earliest claimed priority date (PCT Article 31).
5. A copy of the International Application as filed [35 U.S.C. 371(c)(2)].
 a. is attached hereto (required only if not communicated by the International Bureau).
 b. has been communicated by the International Bureau.
 c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
 a. are attached hereto (required only if not communicated by the International Bureau).
 b. have been communicated by the International Bureau.
 c. have not been made; however, the time limit for making such amendments has NOT expired.
 d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

Items 11 to 16 below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
 A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. A substitute specification.
15. A change of power of attorney and/or address letter.
16. Other items or information:

Express Mail Label

DATE OF DEPOSIT Aug 3, 2001
 EXPRESS MAIL NO. EL052390686505

I HEREBY CERTIFY THAT THIS COMMUNICATION
 IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
 AS EXPRESS MAIL ON THE DATE INDICATED
 ADDRESSEE RECEIVED IT AT MY REQUEST
 AN ENVELOPE ADDRESSED TO ME
 FOR PAYMENT OF THE POSTAGE
 MAILED BY Kathleen Klutkowske
 DATE August 3, 2001

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO.	ATTY'S DOCKET NUMBER			
09/890836	PCT/US00/02405	20377YP			
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS			
BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:					
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO and International Search Report not prepared by the EPO or JPO.....		\$1,000.00			
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....		\$860.00			
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee [37 CFR 1.445(a)(2)] paid to USPTO.....		\$710.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4).....		\$690.00			
International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4).....		\$100.00			
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$100.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(e)].		\$0.00			
Claims	Number Filed	Number Extra	Rate		
Total Claims	41 - 20 =	21	X \$18.00	\$378.00	
Independent Claims	5 - 3 =	2	X \$80.00	\$160.00	
Multiple dependent claim(s) (if applicable)			+ \$270.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS =		\$638.00			
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
SUBTOTAL =		\$638.00			
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date [37 CFR 1.492(f)].		+	\$0.00		
TOTAL NATIONAL FEE =		\$638.00			
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.		+			
TOTAL FEES ENCLOSED =		\$638.00			
		Amount to be refunded			
		charged			
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$638.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970					
 SIGNATURE <u>JOANNE M. GIESSE</u> NAME					
DATE: <u>August 3, 2001</u>					
PHONE #: <u>(732) 594-3046</u>					
32,838 REGISTRATION NUMBER					